

Notice of Allowability

Application No.

10/717,812

Examiner

Patricia L. Hailey

Applicant(s)

GILLESPIE ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on November 23, 2004.
2. ☒ The allowed claim(s) is/are 1,2 and 4-6.
3. ☒ The drawings filed on 20 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Mark L. Bell
Supervisory Patent Examiner
Technology Center 1700

Applicants' remarks and amendments, filed on November 23, 2004, have been carefully considered. Claims 3 and 7-17 have been canceled; no new claims have been added.

Claims 1 and 4-6 remain pending in this application.

Election/Restrictions

Applicants' election with traverse of Group I, claims 1-6, with "isomerization" as the elected species, in the previous Office Action, is noted. However, in view of Applicants' cancellation of non-elected claims 7-17, the species requirement made in the previous Office Action is withdrawn, as generic claim 1 is now considered allowable.

Withdrawn Rejections

The 112(2) rejection of claims 1-6 stated in the previous Office Action has been withdrawn in view of Applicants' amendment to claim 1, i.e., replacing the word "by" with the word "comprising" to line 1.

The 102(e) rejection of claims 1, 2, and 4-6 as being anticipated by Marella et al. (U. S. Patent No. 6,180,556) has been withdrawn in view of Applicants' amendment to claim 1 by incorporating therein the subject matter of claim 3.

Allowable Subject Matter

1. Claims 1, 2, and 4-6 allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest Applicants' claimed process for converting hydrocarbons, wherein a feed is contacted with a solid acid catalyst to give a converted product, wherein the catalyst comprises (1) a support comprising a sulfated oxide or hydroxide of at least an element of Group IVB, (2) a first component selected from the group consisting of at least one lanthanide series element, mixtures thereof, and yttrium, and (3) a second component selected from the group of platinum group metals and mixtures thereof, wherein the atomic ratio of the first component to the second component is at least about 2.

Marella et al. (U. S. Patent No. 6,180,556), while disclosing an isomerization process in which solid superacid catalysts can be employed, said catalysts consisting of a mixed sulfated oxide of zirconium and at least one other element selected from Groups 3-15 and the Lanthanides, and may also contain metals such as platinum, does not teach or reasonably suggest the claimed atomic ratio. Further, while a plethora of elements are listed in Marella et al., the reference does not provide any motivation or a reasonable teaching to combine the elements as recited in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

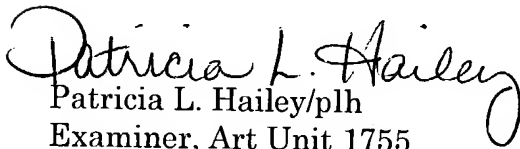
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patricia L. Hailey/plh
Examiner, Art Unit 1755
December 9, 2004


Mark L. Bell
Supervisory Patent Examiner
Technology Center 1700